

**SIKKIM**  
  
**GOVERNMENT**                                   **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**Gangtok**

**Thursday 4th June, 2015**

**No. 211**

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**COMMERCE & INDUSTRIES DEPARTMENT  
GOVERNMENT OF SIKKIM  
GANGTOK**

**No. 8/SGO/359/C&I/2014-15/124**

**Dated : 29/5/2015**

**NOTIFICATION**

In order to streamline and regulate the Industrial Development Fund, Corporate Social Responsibility, Fixed Term Employment and compliance to the Government Instructions by the Industrial Units in the State of Sikkim, the following instructions are hereby issued :

In supersession of all the previous Notifications regulating the Industrial Development Fund, Corporate Social responsibility, Fixed Term Employment and compliance to the Government instructions in the State of Sikkim, the State Government is pleased to issue the following orders which shall come into force with immediate effect, -

**I. Industrial Development Fund**

- (i) All Industrial Units, already set up or proposed to be set up in Sikkim, in which the investment in Plant and Machinery is more than Rs. 5,00,00,000/- (Rupees five crores), shall contribute Rs. 5,00,000/- (Rupees five lakhs) per annum as Industrial Development Fund to the Government of Sikkim.
- (ii) Those Industrial Units which have signed a Memorandum of Understanding (MoU) with the Government of Sikkim in pursuance to Notification No. 8/SGO/260/C&I/90-10/174, dated 30.6.2010, shall continue to contribute to the Industrial Development Fund as per the provisions of the Memorandum of Understanding from the Financial Year in which the Memorandum of Understanding was signed.
- (iii) Those Industrial Units which have not signed Memorandum of Understanding with the Government of Sikkim, shall be required to contribute to the Industrial Development Fund from the current financial year onwards.
- (iv) The Industrial Development Fund can be utilized for acquisition/development of land for industrial purposes, maintenance of infrastructure at the existing Growth Centres, Promotional Activities for investment and Industrial Development and any other related activities as approved by the Government of Sikkim.

- (v) Commerce & Industries Department, Government of Sikkim, would be the Nodal Department responsible for the collection, expenditure and maintenance of accounts relating to the Industrial Development Fund.

## II. Corporate Social Responsibility

- (i) Before 30<sup>th</sup> September every year, all the Industrial Units in Sikkim, including Hydel Power Projects, shall submit the following details to the Commerce & Industries Department, Government of Sikkim, in Format-I prescribed herewith :
- (a) Net Profit earned by the Industrial Unit in the preceding three financial years.
  - (b) Funds earmarked by it for Corporate Social Responsibility activities as per the provisions of the relevant laws in this regard.
  - (c) Works/Activities it has already undertaken or proposed to undertake under Corporate Social Responsibility in the year, if any.
- (ii) Any agency/organization/entity, including Government Departments, who wish to avail benefits under the Corporate Social Responsibility Programme of the Industrial Units in Sikkim, shall henceforth submit their requirements by 30<sup>th</sup> September every year, to the Commerce & Industries Department, Government of Sikkim, in Format –II prescribed herewith. The works/activities/contributions requested shall be for a public cause benefitting the general public of a certain area or locality and shall normally not be for the benefit of any individual.
- (iii) The Commerce & Industries Department shall allocate the Corporate Social Responsibility funds available for the year as declared under Format I to the works/activities as per the demands received in Format II including any other works/activities which the department deems fit to be taken up under the Corporate Social Responsibility Programme. The allocation of the funds for the works/activities shall be based on priority, need, urgency, extent of public benefit, socio-economic impact, etc.
- (iv) The list of works/activities to be taken up under Corporate Social Responsibility shall be finalized by the Commerce & Industries Department with the due approval of the Government of Sikkim. The Government shall have the prerogative of adding/deleting/modifying any of the works proposed while approving the proposal.
- (v) The approved list of works would be conveyed to the Industrial Units concerned which shall ensure the completion of the works within the same financial year normally. Alternatively, the Industrial Unit may transfer the earmarked funds to the Commerce & Industries Department which shall thereafter execute the works departmentally following the due procedure.
- (vi) Wherever the contribution under Corporate Social Responsibility Programme is required for an urgent or a time bound activity including Melas, Sports Activities, Festivals, etc., the Industrial Units can contribute to such activities directly to the organizers of such activity under intimation to the Commerce & Industries Department and may later reflect the details of contribution in Format I.
- (vii) All the Industrial Units shall submit an Annual Report on Corporate Social Responsibility Activities by 10<sup>th</sup> April every year, in Format III prescribed herewith. The Commerce & Industries Department shall be the Nodal Department to monitor, supervise, review and evaluate the Corporate Social Responsibility Activities within the State of Sikkim.

### **III. Fixed Term Employment**

- (i) It is hereby directed that all labourers employed by the Industrial Units in the State of Sikkim not under the Payroll of the Industrial Units, either through the Labour Contractors or otherwise, under the unskilled/skilled category shall henceforth be employed by the Industrial Units for a fixed term, which shall be for a minimum period of 5 (five) years from the date of appointment/employment.
- (ii) On the expiry of the fixed term, the employment of such labourers shall normally be renewed by the Industrial Units for further periods of the fixed term.
- (iii) The services of a fixed term employee may be terminated either during the period of fixed term or on completion of a fixed term, only on grounds of indiscipline/absenteeism, in which case a reasonable opportunity of being heard shall be provided to such employee and the reasons for termination shall be recorded in writing.
- (iv) The terms of employment of those employees employed on the Payroll of the Industrial Unit shall continue to be governed by the existing laws in force.
- (v) It is further directed that annually at least 5% of such fixed term employees who are not on the payrolls of the Industrial Units shall be taken on the payrolls of the Industrial Units, either on the same skill levels or on the higher skill levels, giving due weightage to length of service, experience, efficiency, discipline, etc.

### **IV. Compliance to Government Notifications**

If any Industrial Unit/Investor does not complies with any of the Notifications issued by the Government of Sikkim, the consent issued to such Industrial Unit/ Investor for operating in the State of Sikkim is liable to be revoked whereafter such Industrial Unit/ Investor shall be deemed to be ineligible for operating in the State of Sikkim. Consequently, the permissions given to such Industrial Units/ Investors by any other Government agency in the State of Sikkim shall also be deemed to be revoked.

**By Order and in the name of the Governor.**

**Secretary  
Commerce & Industries Department**

**Format – I**

**Details of Fund Allocation for CSR Activities**

**(For the Financial Year \_\_\_\_\_)**

*(To be submitted on or before 30<sup>th</sup> September every year)*

Name of the Industrial Unit :

Address :

<b>Net Profit of the unit in Sikkim in the preceding three financial years</b>		<b>Funds earmarked for CSR Activities</b>	<b>Works/Activities already undertaken/proposed to be undertaken under CSR in the current financial year, if any</b>	
<b>Financial Year</b>	<b>Net Profit (in Rs.)</b>		<b>Name of Location of the work</b>	<b>Amount (in Rs.)</b>

Signature :

Name :

Designation :

**Format – II**

**Proposals for CSR Activities**

**(For the Financial Year \_\_\_\_\_ )**

*(To be submitted on or before 30<sup>th</sup> September every year)*

**Name of the Department/Agency/Organization :**

<b>Sl.No.</b>	<b>Works/Activities required to be undertaken under CSR in the current financial year</b>	<b>Location</b>	<b>Amount (in Rs.)</b>

**Signature :**

**Name :**

**Designation :**

**Format – III**

**Annual Report on CSR Activities**

**(For the Financial Year \_\_\_\_\_ )**

*(To be submitted on or before 10<sup>th</sup> April every year)*

Name of the Industrial Unit :

Address :

Sl.No.	Name & Location of the work/activity	Year of Sanction	Amount (in Rs.)	Physical Progress (in % age)	Financial Progress (in %age)

Signature :

Name :

Designation :